

COMMITTEE AMENDMENT FORM

DATE: 05/30/ 06

COMMITTEE CITY UTILITIES PAGE NUM. (S) 2

ORDINANCE I. D. #06-O-1060 SECTION (S) 3

RESOLUTION I. D. #06-R- PARA.

- AMENDS THE LEGISLATION BY RE-WRITING SECTION 3
WHICH NOW READS AS FOLLOWS:

SECTION 3: That the Chief Procurement Officer shall have an appraisal review done to determine if the appraisal attached as Exhibit "A" is a fair and reasonable representation of the value of the land. If said appraisal is determined to be fair the Chief Procurement Officer may accept the owner's appraisal.

AMENDMENT DONE BY COUNCIL STAFF 5/31/06

AN ORDINANCE

06-O-1060

BY COUNCILMEMBER CARLA SMITH

AS SUBSTITUTED AND AMENDED BY CITY UTILITIES

AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE A TWELVE FOOT (12') STRIP OF LAND ALONG THE REAR PROPERTY LINE OF 1144 AND 1200 AVONDALE AVENUE, LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO REDUCE THE DISTANCE REQUIREMENT OF CITY CODE SECTION 74-303(b) FROM 75 FEET TO 50 FEET AND WAIVE VARIANCE PROCEDURES IN SECTIONS 74-306 THROUGH 74-313 AS APPLIED TO THIS PROPERTY; TO ACCEPT THE DONATION OF LAND ABUTTING THE CITY OF ATLANTA CHLORINATION FACILITY; AND FOR OTHER PURPOSES;

WHEREAS, the property parcels located at 1144 and 1200 Avondale Avenue, lying and being in land lot 23 of the 14th District, Fulton County, Georgia (the "Property") is zoned O-I and owned by Urban Forest Investments, LLC ("owner"); and

WHEREAS, the Property abuts the Atlanta East Confederate Avenue Municipal Solid Waste Landfill [Permit Number 060-057D(L)] which is owned, operated and maintained by the City of Atlanta ("City"), and is located on East Confederate Avenue; and

WHEREAS, the City is required to conduct post-closure care pursuant to the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* and the rules and regulations promulgated thereunder; and

WHEREAS, on December 28, 2000, the Georgia Environmental Protection Division, Department of Natural Resources ("EPD") approved closure and post closure plans for the Atlanta East Confederate Avenue Municipal Solid Waste Landfill that included groundwater and methane monitoring plans that require the City to monitor for methane gas and potential groundwater contamination and EPD requested that the City monitor in additional locations; and

WHEREAS, the property owner has agreed to sell to the city a twelve foot (12') strip of land on the rear of the Property to allow for additional methane and groundwater monitoring to ensure no contamination migrates from the landfill; and

WHEREAS, the City built a chlorine injection facility north of the Property, a portion of the project was built across property lines; and

WHEREAS, the landfill and Property are separated by a stream that meets the definition of waters of the state, requiring the property owner to meet the 75 foot riparian buffer under the City's Riparian Buffer Ordinance; and

WHEREAS, to provide the amenities the community and developer envision and in exchange for the donation of land upon which the City has encroached a reduction in the setback requirement is necessary; and

WHEREAS, the developer has agreed to provide the 12 foot buffer to the City for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 with the remaining portion as a donation to the city; and

WHEREAS, based on the particular circumstances associated with this property and the abutting City facility it is in the best interest of the City to reduce the setback requirements, obtain the strip of land and accept the donation of land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That the Chief Procurement Officer is authorized to acquire the twelve foot (12') foot strip of land needed by the Department of Public Works for monitoring purposes associated with the Atlanta East Confederate Avenue Municipal Solid Waste Landfill where such monitoring wells will have their tops at grade.

SECTION 2: The Chief Procurement Officer is authorized to obtain a title report, an appraisal and a land survey of the twelve foot (12') strip of land and land that is proposed to be donated to the City.

SECTION 3: That the Chief Procurement Officer shall have an appraisal review done to determine if the appraisal attached as Exhibit "A" is a fair and reasonable representation of the value of the land. If said appraisal is determined to be fair the Chief Procurement Officer may accept the owner's appraisal.

SECTION 4: The 75 foot buffer requirement of City Code Section 74-303-(b) as applied to this Property is reduced to 50 feet to be measured from the sides of the base flow within the channel which is approximately 3 feet on either side of the centerline of the channel and variance procedures in Sections 74-306 through 74-313 are waived as applied to this Property.

SECTION 5: The developer will install a walking trail to be placed within the twelve foot (12') strip which the City is purchasing for monitoring purposes.

SECTION 6: That the Chief Procurement Officer is authorized to accept as a donation property within the City's fence surrounding the chlorination plant.

SECTION 7: That the Chief Procurement Officer is authorized to purchase the twelve foot (12') strip of property for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 and is authorized to accept as a donation one-half the amount of the twelve foot (12') buffer area as depicted on Exhibit "B".

SECTION 8: That the reduction in the setback shall not take effect until the City receives the quitclaim deeds to both the twelve foot (12') piece of land needed for monitoring purposes and the property located inside the fence surrounding the abutting chlorination plant;

SECTION 9: That no additional variance or waiver will be needed to build the walking trail or grade the property for the installation of the monitoring wells or improve the Storm Water Management of the property in an effort to stem the erosion problems caused by the current slope.

SECTION 10: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict for the purposes of this ordinance only.

AN ORDINANCE



06-0-1060

06-O-

BY COUNCILMEMBER CARLA SMITH

AN ORDINANCE AUTHORIZING THE PURCHASE OF A TWELVE FOOT (12') STRIP OF LAND ALONG THE REAR PROPERTY LINE OF 1144 AND 1200 AVONDALE AVENUE, LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO REDUCE THE DISTANCE REQUIREMENT OF CITY CODE SECTION 74-303(b) FROM 75 FEET TO 50 FEET AND WAIVE VARIANCE PROCEDURES IN SECTIONS 74-306 THROUGH 74-313 AS APPLIED TO THIS PROPERTY; TO ACCEPT THE DONATION OF LAND ABUTTING THE CITY OF ATLANTA CHLORINATION FACILITY AND FOR OTHER PURPOSES;

WHEREAS, the property parcels located at 1144 and 1200 Avondale Avenue, lying and being in land lot 23 of the 14th District, Fulton County, Georgia (the "Property") is zoned O-I and owned by Urban Forest Investments, LLC ("owner"); and

WHEREAS, the Property abuts the Atlanta East Confederate Avenue Municipal Solid Waste Landfill [Permit Number 060-057D(L)] which is owned, operated and maintained by the City of Atlanta ("City"), and is located on East Confederate Avenue; and

WHEREAS, the City is required to conduct post-closure care pursuant to the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* and the rules and regulations promulgated thereunder; and

WHEREAS, on December 28, 2000, the Georgia Environmental Protection Division, Department of Natural Resources ("EPD") approved closure and post closure plans for the Atlanta East Confederate Avenue Municipal Solid Waste Landfill that included groundwater and methane monitoring plans that require the City to monitor for methane gas and potential groundwater contamination and EPD requested that the City monitor in additional locations; and

WHEREAS, the property owner has agreed to sell to the city a twelve foot (12') strip of land on the rear of the Property to allow for additional methane and groundwater monitoring to ensure no contamination migrates from the landfill; and

WHEREAS, the City built a chlorine injection facility north of the Property, a portion of which was built across property lines; and

WHEREAS, the landfill and Property are separated by a stream that meets the definition of waters of the state, requiring the property owner to meet the 75 foot riparian buffer under the City's Riparian Buffer Ordinance and

1

WHEREAS, to provide the amenities the community and developer envision and in exchange for the donation of land upon which the City has encroached a reduction in the setback requirement is necessary;

WHEREAS, based on the particular circumstances associated with this property and the abutting City facility it is in the best interest of the City to reduce the setback requirements, obtain the strip of land and accept the donation of land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the Chief Procurement Officer is authorized to acquire the twelve foot (12') foot strip of land needed by the Department of Public Works for monitoring purposes associated with the Atlanta East Confederate Avenue Municipal Solid Waste Landfill where such monitoring wells will have their tops at grade; and

SECTION 2. The Chief Procurement Officer is authorized to obtain a title report, an appraisal and a land survey of the twelve foot (12') strip of land and land that is proposed to be donated to the City; and

SECTION 3. That the Chief Procurement Officer is authorized to accept the appraisal of the Property recently obtained by the property owner if the Chief Procurement Officer finds it to be a fair representation of the land value as well as the survey and legal description of the areas to be acquired; and

SECTION 4. The 75 foot buffer requirement of City Code Section 74-303-(b) as applied to this Property is reduced to 50 feet to be measured from the sides of the base flow within the channel which is approximately 3 feet on either side of the centerline of the channel and variance procedures in 74-306 through 74-313 are waived as applied to this Property; and

SECTION 5. The developer will install a walking trail to be placed within the twelve foot (12') strip which the City is purchasing for monitoring purposes.

SECTION 6. That the Chief Procurement Officer is authorized to accept as a donation property within the City's fence surrounding the chlorination plant; and

SECTION 7. That the reduction in the setback shall not take effect until the City receives the quitclaim deeds to both the twelve foot (12') piece of land needed for monitoring purposes and the property located inside the fence surrounding the abutting chlorination plant;

SECTION 8. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict for the purposes of this ordinance only.